

By: 

4 .B. 2930

I certify this to be a true and correct
copy of the indicated document as
referred or transmitted to committee.

A BILL TO BE ENTITLED

AN ACT

Chief Clerk of the House

Relating to an age limitation on children engaged in the
performance of duties related to a paper route.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. DEFINITIONS. Sec. 51.002, Labor Code, is
amended as follows:

In this Chapter:

- (1) "Child" means an individual under 18 years of age.
- (2) "Commission" means the Texas Workforce Commission.
- (3) "Delivery" means the distribution and maintenance of a
paper route.

SECTION 2. GENERAL EXEMPTIONS. Sec. 51.003, Labor Code is
amended to read as follows:

(a) This chapter does not apply to the employment of a
child:

(1) employed in a:

(a) non-hazardous occupation;

(b) under the direct supervision of the child's
parent or an adult having custody of the child;
and

(c) in a business or enterprise owned or
operated by the parent or custodian

(2) a child 11 years or older engaged in delivery of
newspapers to the consumer;

(3) participating in a school-supervised and school-
administered work-study program approved by the commission;

(4) employed in agriculture during a period when the
child is not legally required to be attending school;

(5) employed through a rehabilitation program
supervised by a county judge; or

(6) engaged in non-hazardous casual employment that
will not endanger the safety, health, or well-being of the
child and to which the parent or adult having custody of
the child has consented.

(b) In this section, "employment in agriculture" means
engaged in producing crops or livestock and includes:

(1) cultivating and tilling the soil;

(2) producing, cultivating, growing and harvesting an
agricultural or horticultural commodity;

1 (3) dairying; and

2 (4) raising livestock, bees, fur-bearing animals, or
3 poultry.

4 (c) For the purposes of Subsection (A) (6), the commission
5 by rule may define non-hazardous casual employment that that the
6 commission determines is dangerous to the safety, health, or
7 well-being of a child.

8 SECTION 3. EFFECTIVE DATE. This Act takes effect
9 immediately if it receives a vote of two thirds of all the
10 members elected to each house, as provided by Section 39,
11 Article III, Texas Constitution. If this Act does not receive
12 the vote necessary for immediate effect, this Act takes effect
13 September 1, 2005.

HOUSE COMMITTEE REPORT

05 APR 12 PM 8:35
HOUSE OF REPRESENTATIVES

1st Printing

By: Deshotel

H.B. No. 2930

A BILL TO BE ENTITLED

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(b) under the direct supervision of the child's parent or an adult having custody of the child; and

(c) in a business or enterprise owned or operated by the parent or custodian

(2) a child 11 years or older engaged in delivery of newspapers to the consumer;

(3) participating in a school-supervised and

1 school-administered work-study program approved by the commission;

2 (4) employed in agriculture during a period when the
3 child is not legally required to be attending school;

4 (5) employed through a rehabilitation program
5 supervised by a county judge; or

6 (6) engaged in non-hazardous casual employment that
7 will not endanger the safety, health, or well-being of the child and
8 to which the parent or adult having custody of the child has
9 consented.

10 (b) In this section, "employment in agriculture" means
11 engaged in producing crops or livestock and includes:

12 (1) cultivating and tilling the soil;

13 (2) producing, cultivating, growing and harvesting an
14 agricultural or horticultural commodity;

15 (3) dairying; and

16 (4) raising livestock, bees, fur-bearing animals, or
17 poultry.

18 (c) For the purposes of Subsection (A)(6), the commission by
19 rule may define non-hazardous casual employment that that the
20 commission determines is dangerous to the safety, health, or
21 well-being of a child.

22 SECTION 3. EFFECTIVE DATE. This Act takes effect
23 immediately if it receives a vote of two thirds of all the members
24 elected to each house, as provided by Section 39, Article III, Texas
25 Constitution. If this Act does not receive the vote necessary for
26 immediate effect, this Act takes effect September 1, 2005.

COMMITTEE REPORT

April 5, 2005

The Honorable Tom Craddick
Speaker of the House of Representatives

(date)

Sir:

We, your COMMITTEE ON BUSINESS AND INDUSTRY

to whom was referred House Bill No. 2930

have had the same under consideration and beg to report back with the recommendation that it

☒ do pass, without amendment.

☐ do pass, with amendment(s).

☐ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

☒ yes ☐ no A fiscal note was requested.

☐ yes ☒ no A criminal justice policy impact statement was requested.

☐ yes ☒ no An equalized educational funding impact statement was requested.

☐ yes ☒ no An actuarial analysis was requested.

☐ yes ☒ no A water development policy impact statement was requested.

☐ yes ☒ no A tax equity note was requested.

☐ The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor _____

Joint Sponsors: _____ / _____ / _____

Co-Sponsors: _____

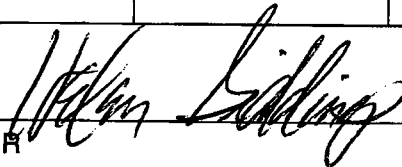
The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Giddings, Chair	<input checked="" type="checkbox"/>			
Elkins, Vice-chair	<input checked="" type="checkbox"/>			
Bailey				<input checked="" type="checkbox"/>
Bohac	<input checked="" type="checkbox"/>			
Martinez	<input checked="" type="checkbox"/>			
Solomons	<input checked="" type="checkbox"/>			
Taylor	<input checked="" type="checkbox"/>			
Vo	<input checked="" type="checkbox"/>			
Zedler	<input checked="" type="checkbox"/>			

Total

-8- aye
-0- nay
-0- present, not voting
-1- absent

CHAIR



BILL ANALYSIS

H.B. 2930
By: Deshotel
Business & Industry
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Chapter 51 of the Labor Code includes an exception to the child labor age restriction so children may deliver newspapers. As times have changed, children selling papers are now sometimes placed in dangerous situations. Recently the Texas Workforce Commission (TWC) has investigated two incidents where very young children were hit by cars as they sold newspapers from the medians of busy intersections. Because the employer is not in violation of any child labor laws, the TWC cannot take action to protect these children. HB 2930 would change Labor Code statutes concerning newspaper routes and sales by children to increase their safety. It would redefine "delivery" so that it only includes distribution or maintenance of a paper route, as well as require juveniles to be at least 11 years old to service a newspaper route.

RULEMAKING AUTHORITY

It is the opinion of the committee that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Adds to Section 51.002, Labor Code, a definition of "delivery" that stipulates the distribution or maintenance of a paper route.

SECTION 2. Amends Section 51.003, Labor Code, to require that children engaged in newspaper delivery are at least 11 years old.

SECTION 3. Effective Date

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2005.

SUMMARY OF COMMITTEE ACTION

HB 2930

March 29, 2005 2:00PM or upon final adjourn./recess

Considered in public hearing
Testimony taken in committee (See attached witness list.)
Left pending in committee

April 5, 2005 2:00PM or upon final adjourn./recess

Considered in public hearing
Reported favorably without amendment(s)

WITNESS LIST

HB 2930
HOUSE COMMITTEE REPORT
Business & Industry Committee

March 29, 2005 - 2:00PM or upon final adjourn./recess

On: Moore, John (Texas Workforce Commission)

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 24, 2005

TO: Honorable Helen Giddings, Chair, House Committee on Business & Industry

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: **HB2930** by Deshotel (Relating to an age limitation on children engaged in the performance of duties related to a paper route.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 320 Texas Workforce Commission

LBB Staff: JOB, JRO, DE

LIST OF HOUSE AMENDMENTS CONSIDERED TODAY

HB2930-Second Reading

<u>AMENDMENT#</u>	<u>AUTHOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
1	Deshotel	Amendment	Adopted



ADOPTED *ck1*

FLOOR AMENDMENT NO. 1

APR 26 2005

BY: *Desha*

As *Robert Hines*
Chief Clerk
House of Representatives

1 Amend H.B. No. 2930, on page 1, by striking lines ¹³10 and ¹⁴11

2 and substituting the following:

((insert 1))

3 *aa* (3) "Delivery of newspapers" means the distribution of
4 newspapers on or the maintenance of a newspaper route. The term
5 does not include direct sales of newspapers to the general
6 public.

type

2ND READING
ENGROSSMENT

By: Deshotel

H.B. No. 2930

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(2) "Commission" means the Texas Workforce ~~[Employment]~~ Commission.

(3) "Delivery of newspapers" means the distribution of newspapers on or the maintenance of a newspaper route. The term does not include direct sales of newspapers to the general public.

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(B) under the direct supervision of the child's parent or an adult having custody of the child; and

(C) in a business or enterprise owned or operated by the parent or custodian;

(2) 11 years or older engaged in delivery of

1 newspapers to the consumer;

2 (3) participating in a school-supervised and
3 school-administered work-study program approved by the commission;

4 (4) employed in agriculture during a period when the
5 child is not legally required to be attending school;

6 (5) employed through a rehabilitation program
7 supervised by a county judge; or

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9 will not endanger the safety, health, or well-being of the child and
10 to which the parent or adult having custody of the child has
11 consented.

12 (b) In this section, "employment in agriculture" means
13 engaged in producing crops or livestock and includes:

14 (1) cultivating and tilling the soil;

15 (2) producing, cultivating, growing, and harvesting
16 an agricultural or horticultural commodity;

17 (3) dairying; and

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19 poultry.

20 (c) For the purposes of Subsection (a)(6), the commission by
21 rule may define nonhazardous casual employment that the commission
22 determines is dangerous to the safety, health, or well-being of a
23 child.

24 SECTION 3. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

H.B. No. 2930

1 Act takes effect September 1, 2005.

HOUSE ENGROSSMENT

By: Deshotel

H.B. No. 2930

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H.B. No. 2930

1 Act takes effect September 1, 2005.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 24, 2005

TO: Honorable Helen Giddings, Chair, House Committee on Business & Industry

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB2930 by Deshotel (Relating to an age limitation on children engaged in the performance of duties related to a paper route.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 320 Texas Workforce Commission

LBB Staff: JOB, JRO, DE

By: Deshotel (Senate Sponsor - Van de Putte) H.B. No. 2930
(In the Senate - Received from the House April 28, 2005;
April 29, 2005, read first time and referred to Committee on
Business and Commerce; May 12, 2005, reported favorably by the
following vote: Yeas 8, Nays 0; May 12, 2005, sent to printer.)

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- (3) "Delivery of newspapers" means the distribution of
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to which the parent or adult having custody of the child has
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Act takes effect September 1, 2005.

* * * * *

FAVORABLE
SENATE COMMITTEE REPORT ON

SB SCR SJR SR HB HCR HJR 2930
By Deshotel Vande Putte
(Author/Senate Sponsor)
May 12, 2005
(date)

We, your Committee on BUSINESS AND COMMERCE, to which was referred the attached measure,
have on May 10, 2005, had the same under consideration and I am instructed to report it
(date of hearing)
back with the recommendation (s) that it:

☒ do pass and be printed

☐ do pass and be ordered not printed

☒ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☒ no

An actuarial analysis was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☒ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator Troy Fraser, Chairman	<input checked="" type="checkbox"/>			
Senator Kip Averitt, Vice-Chairman	<input checked="" type="checkbox"/>			
Senator Ken Armbrister	<input checked="" type="checkbox"/>			
Senator Kim Brimer	<input checked="" type="checkbox"/>			
Senator John Carona	<input checked="" type="checkbox"/>			
Senator Kevin Eltife	<input checked="" type="checkbox"/>			
Senator Craig Estes	<input checked="" type="checkbox"/>			
Senator Eddie Lucio	<input checked="" type="checkbox"/>			
Senator Leticia Van de Putte			<input checked="" type="checkbox"/>	
TOTAL VOTES	8		1	

COMMITTEE ACTION

S260 Considered in public hearing
S270 Testimony taken

[Signature]

COMMITTEE CLERK

[Signature]

CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill
Retain one copy of this form for Committee files

WITNESS LIST

HB 2930

SENATE COMMITTEE REPORT

Business & Commerce

May 10, 2005 - 11:00AM

ON: Pier, Steve (Texas Workforce Commission), Austin, TX

BILL ANALYSIS

Senate Research Center

H.B. 2930
By: Deshotel (Van de Putte)
Business & Commerce
5/9/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, Chapter 51, Labor Code, includes an exception to the child labor age restriction so that children may deliver newspapers. However, due to the current definition of "newspaper delivery" and the lack of a minimum age requirement, young children selling newspapers can be placed in dangerous situations. Recently, the Texas Workforce Commission (TWC) has investigated incidents where very young children were hit by cars as they sold newspapers from medians of busy intersections. Because the employer is not in violation of any child labor laws, TWC cannot take action to protect these children.

H.B. 2930 amends the Labor Code to require juveniles to be at least 11 years old to engage in the delivery of newspapers and redefines "delivery of newspapers" so that it only includes distribution of newspapers on, or maintenance of, a paper route, and not direct sales to the general public.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 51.002, Labor Code, to redefine "commission" and to define "delivery of newspapers."

SECTION 2. Amends Section 51.003, Labor Code, to provide that this chapter (General Exemptions) does not apply to employment of a child 11 years or older engaged in delivery of newspapers to the consumer.

SECTION 3. Effective date: upon passage or September 1, 2005.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

May 9, 2005

TO: Honorable Troy Fraser, Chair, Senate Committee on Business & Commerce

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB2930 by Deshotel (Relating to an age limitation on children engaged in the performance of duties related to a paper route.), **As Engrossed**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 320 Texas Workforce Commission

LBB Staff: JOB, JRO, DE

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 24, 2005

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FAVORABLE
SENATE COMMITTEE REPORT ON

SB SCR SJR SR HB HCR HJR 2930
By Deshotel/Vande Putte
(Author/Senate Sponsor)
May 12, 2005
(date)

We, your Committee on BUSINESS AND COMMERCE, to which was referred the attached measure,
have on May 10, 2005, had the same under consideration and I am instructed to report it
(date of hearing)
back with the recommendation (s) that it:

- ☒ do pass and be printed
☐ do pass and be ordered not printed
☒ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no
A revised fiscal note was requested. ☐ yes ☒ no
An actuarial analysis was requested. ☐ yes ☒ no
Considered by subcommittee. ☐ yes ☒ no

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Senator Troy Fraser, Chairman	<input checked="" type="checkbox"/>			
Senator Kip Averitt, Vice-Chairman	<input checked="" type="checkbox"/>			
Senator Ken Armbrister	<input checked="" type="checkbox"/>			
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COMMITTEE ACTION

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☒ S270 Testimony taken
John Baker
COMMITTEE CLERK

Ty Fraser
CHAIRMAN

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HB 2930

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Business & Commerce

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Austin, Texas

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May 9, 2005

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LBB Staff: JOB, JRO, DE

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LBB Staff: JOB, JRO, DE

REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

SENATOR CHRIS HARRIS, CHAIRMAN
SENATE COMMITTEE ON ADMINISTRATION

Notice is hereby given that HB2930, by Deshotel/Nan de Potte,
(Bill No.) (Author/Sponsor)

was heard by the Committee on Business and Commerce on May 10,
2005,

and reported out with the recommendation that it be placed on the Local and Uncontested Calendar.


(Clerk of the reporting committee)

IMPORTANT: A COPY OF THIS FORM MUST BE ATTACHED TO A COMMITTEE PRINTED VERSION OF THE BILL OR RESOLUTION AND SHOULD BE DELIVERED TO THE ADMINISTRATION COMMITTEE OFFICE, E1.714. DEADLINES FOR SUBMITTING BILLS AND RESOLUTIONS WILL BE ANNOUNCED ON A REGULAR BASIS.

ENROLLED

H.B. No. 2930

AN ACT

relating to an age limitation on children engaged in the performance of duties related to a paper route.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 51.002, Labor Code, is amended to read as follows:

Sec. 51.002. DEFINITIONS. In this chapter:

(1) "Child" means an individual under 18 years of age.

(2) "Commission" means the Texas Workforce ~~[Employment]~~ Commission.

(3) "Delivery of newspapers" means the distribution of newspapers on or the maintenance of a newspaper route. The term does not include direct sales of newspapers to the general public.

SECTION 2. Section 51.003, Labor Code, is amended to read as follows:

Sec. 51.003. GENERAL EXEMPTIONS. (a) This chapter does not apply to employment of a child:

(1) employed ~~[in a]~~:

(A) in a nonhazardous occupation;

(B) under the direct supervision of the child's parent or an adult having custody of the child; and

(C) in a business or enterprise owned or operated by the parent or custodian;

(2) 11 years or older engaged in delivery of

1 newspapers to the consumer;

2 (3) participating in a school-supervised and
3 school-administered work-study program approved by the commission;

4 (4) employed in agriculture during a period when the
5 child is not legally required to be attending school;

6 (5) employed through a rehabilitation program
7 supervised by a county judge; or

8 (6) engaged in nonhazardous casual employment that
9 will not endanger the safety, health, or well-being of the child and
10 to which the parent or adult having custody of the child has
11 consented.

12 (b) In this section, "employment in agriculture" means
13 engaged in producing crops or livestock and includes:

14 (1) cultivating and tilling the soil;

15 (2) producing, cultivating, growing, and harvesting
16 an agricultural or horticultural commodity;

17 (3) dairying; and

18 (4) raising livestock, bees, fur-bearing animals, or
19 poultry.

20 (c) For the purposes of Subsection (a)(6), the commission by
21 rule may define nonhazardous casual employment that the commission
22 determines is dangerous to the safety, health, or well-being of a
23 child.

24 SECTION 3. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

H.B. No. 2930

1 Act takes effect September 1, 2005.

H.B. No. 2930

President of the Senate

Speaker of the House

I certify that H.B. No. 2930 was passed by the House on April 27, 2005, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 2930 was passed by the Senate on May 19, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

President of the Senate

Speaker of the House

I certify that H.B. No. 2930 was passed by the House
(1)

on April 27, 2005, by a non-record vote.
(2)

Chief Clerk of the House

I certify that H.B. No. 2930 was passed by the Senate
on May 19, 2005, by the following vote:
(3)

Yeas 31, Nays 0
(4) (5)

Secretary of the Senate

APPROVED:

Date

Governor

**** Preparation: CT26

H.B. No.

2930

A BILL TO BE ENTITLED
AN ACT

By

[Signature]

Relating to an age limitation on children engaged in the performance of duties of duties related to a paper route.

MAR 11 2005

Filed with the Chief Clerk

MAR 17 2005

Read first time and referred to Committee on Business and Industry

APR 05 2005

Reported favorably (~~unfavorably~~)
(~~as substituted~~)

APR 13 2005

Sent to Committee on (Calendars)
(~~March of Wisconsin Calendars~~)

APR 26 2005

Read second time (~~comm. subst.~~) (amended); passed to third reading (~~failed~~) by a (non-record vote)
(~~record vote of~~ yeas, nays, present, ~~not voting~~)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)
by a vote of yeas, nays, present, not voting

APR 27 2005

Read third time (~~amended~~); finally passed (~~failed to pass~~) by a (non-record vote)
(~~record vote of~~ yeas, nays, present, ~~not voting~~)

Engrossed

APR 28 2005

Sent to Senate

Robert Haney
CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

APR 28 2005

Received from the House

APR 29 2005

Read and referred to Committee on BUSINESS AND COMMERCE

MAY 12 2005

Reported favorably

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

MAY 19 2005

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)
(yeas, nays)

MAY 19 2005

Read second time, , and passed to third reading by (~~unanimous consent~~)
(~~a viva voce vote~~)
(yeas, nays)

MAY 19 2005

Senate and Constitutional 3 Day Rules suspended by a vote of 31 yeas, 0 nays

MAY 19 2005

Read third time, , and passed by (~~a viva voce vote~~)
(31 yeas, 0 nays)

May 19, 2005

Returned to the House

Latey Spaw
SECRETARY OF THE SENATE

OTHER SENATE ACTION:

MAY 19 2005

Returned from the Senate (~~as substituted~~)
(with amendments)

House concurred in Senate amendments by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

House refused to concur in Senate amendments and requested the appointment of a conference committee
by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

House conferees appointed: _____, Chair; _____,
_____, _____, _____

Senate granted House request. Senate conferees appointed: _____, Chair;
_____, _____, _____

Conference committee report adopted (rejected) by the House by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

Conference committee report adopted (rejected) by the Senate by a (viva voce vote)
(record vote of _____ yeas, _____ nays)

05 APR 12 PM 8:35

HOUSE OF REPRESENTATIVES